



6-9-05

IFOU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Larry Ervin Rising

Serial No. 10/611,746

Filled: June 30, 2003

Title: Chemical formulations and methods utilizing NPB(n-propyl bromide) as non-aqueous carrier mediums to apply fluorocarbons and other organic chemicals to substrates.

Group Art Unit: 1713

Examiner: Henry SW. Hu

Response and Amendments

Honorable Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313

Dear Sir,

This response is in reply to Office Action dated 3/21/2005.

Attachments: (1) Amended Claims doc. (6) pages
(2) Amended Title with Specifications (11) pages

Larry Ervin Rising

Larry Ervin Rising 6/8/05

Response to office action

Examiner objected to Title of Invention. The title has been amended to resolve objection. See first paragraph of attached Amended Title and Specifications. Also, See attached Amended Claims. Claim 1 has been amended. Claims 2 through 15 have been cancelled. Claims 16 through 24 are new additions with no new material being added.

Thus, claim 1 and claims 16 thru 24 are pending this action.

Elections/Restrictions

Item 3. Restriction under 35 U.S.C. 121: Two distinct inventions: Group I (claims 1 – 11) being related to composition and Group II (claims 12 – 15) being related to method.

- Claim 1 has been amended (see amended claims) and claims 2 through 15 have been cancelled making the objection moot.

Item 4. Restriction under 35 U.S.C. 121: to elect a single disclosed species of component (B) for prosecution on the merits to which the claims shall be restricted if no generic claim is allowed.

-Claim 1 has been amended (see amended claims) to not be generic. Claims 2 through 15 have been cancelled making the objection moot.

Item 5. Reference to telephone conversation with Erma Cameron and myself about provisional elections. See Item 4 above.

Response to office action

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Elections/Restrictions

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Item 5. Reference to telephone conversation with Erma Cameron and myself about provisional elections. See Item 4 above.

Claim Objections

Item 6. (a) Objection to informalities regarding NPB (N-propyl bromide).

-Claim 1 amended to correct informality.

(b) Objection to formula expression.

-Claim 2 cancelled making objection moot.

Claim Rejections

Item 7. Rejection under 35 U.S.C. 112, as being indefinite.

(A) Claim 1 objected to because of rendering following claims indefinite.

- Claim 1 amended to have only two components and not limit following claims.

(B) The writing of claim 1 rejected because of improper writing and being indefinite.

- After a telephone conversation with the examiner on March 24, 2005 discussing the use of composition phrasing, claim 1 is amended to reflect composition and limited specifically to textile and non-woven substrates.

- Claim 2 has been cancelled making the rejection moot.

Item 8. Rejection under 35 U.S.C. 102: Claim 1 Rejected due to prior art.

- Claim 1 is amended to reflect composition specific to treating textile and non-woven substrates.

Item 9. See item 8 above

Item 10. Claim 1 rejected as being anticipated by Jackson.

- Claim 1 is amended to reflect composition specific to treating textile and non-woven substrates. Therefore, Jackson will not apply.
- Jackson proposes a can spray cleaner for aerosol cleaning of metal components and did not anticipate the advantage and possibility of using NPB as a treatment medium for dissolving and applying finishes to textile and non-woven fabrics.

Item 11. Claim 1 rejected as being anticipated by Flynn.

- Claim 1 is amended to reflect composition specific to treating textile and non-woven substrates where the NPB is always in excess of 70% of the composition and 92% plus as the carrier medium.
- The azeotrope-like blends described by Flynn are distillate fractions with low concentrations of NPB. Flynn's azeotrope blend with NPB would not be suitable as a carrier medium according to this invention. The NPB is utilized as a reaction medium or a minor distillate component as described by Flynn.

- The invention teaches that 100% active perfluoroalkyl methacrylates block polymer can be dissolved in 92%+ NPB and directly applied to fabrics. Moreover, when dissolved these solution can be foamed and applied directly at less than 10% wet pickup.
- Aotrope-like composition where the ratio of NPB is less than 25% of the composition and where hydrofluorocarbon ether represents up to 74% of the composition as taught by Flynn could not be considered equal or similar enough to a 92% + NPB carrier (as in the invention) to be anticipated by Flynn.

Item 12 & 13, . Claim 2 rejection under 35 U.S.C. 103: obviousness rejections

Claim 2, cancelled making rejection moot.